19 36

Department of R D

OFFICE Bombay

STATION Medows

No. 1286

Dated 17-4-36

	Date	Initial
Given for copying		
Copied		
Examined		
Signed		
Given for despatch		
Despatched	31 APR 1936	
Indexed		
To be destroyed on*		

Pages in the file

(SUBJECT.)

Allowances. Jari Boarmadagam (South Kanara)
Bhandarkar South. Payment of arrears.
Collr's proposal sanctioned

* Not to be filled in in the case of perma

Rei 3 No. 5005/35

South Kanara Collector's Office,

Camp: Honni, dated 14th January 1936.

From

E. M. Gawne, Esq., I.C.S.,

Collector of South Kanar

Sir,

Allowances--Tasdik--Jari Brahmadava Inam--Class I No.23 (13 (a)--Bhandarikere Matta--Arrear claim--suit notice--Orders requested.

I enclose the suit notice dated 25th October, 1935, from Sri Vidyamanya Thirtha Swamier of Bhandarikere Matt of Hosala village Udipi Taluk, threatening to sue Government unless the arrears of the unpaid portion of the Jari Brahmadya Inam due to the Matt during the last 12 years, including the sum of Rs.22-7-8 recovered from him during the last year, are now paid to him.

2. The inam in question, viz., item 23-13 (a) under Class I in the register of Jari Brahmadya allowances, was one of assignment of land revenue from the beriz of muli wargs detailed in the margin. At Settlement warg No. 7 of Achladi village was transferr to Belur village of Coondapur Taluk, with the result that the amount assigned to that warg came to be pai in Belur village of Coondapur Taluk, while the remaining four items continued to be paid in Udipi Taluk. Owing however, to an omission in noting

Muli warg No.	Amount.
No.21 Mudahadu village	91-6-9
" 6 of Kachur village	14-14-5
" 10 of do	12-0-0
" 19 of do	21-1-7
" 7 of Achladi village	27-0-0
	166-6-9

the above warg No. against certain sub divisions in the Settlement A register of Belur village, the inamdar was getting only Rs.4-12-0 per annum instead of Rs.27 in Belur village, thus foregoing Rs.22-4-0 annually.

3. In 1933, the notice-giver applied to me for the transfer of the portion of the inam relating to warg No. 7 of Achladi village (Rs.27-0-0) to the Beriz deduction system, but as partial transfer was not permissible the entire inam of Rs.166-6-9 was ordered by me to be transferred to the Beriz deduction system. Inspite of this order, the Tahsildar of Udipi brought to account only Rs.144-2-9, which was the amount actually paid to the institution--Rs.139-6-9 in the Udipi Taluk and Rs.4-12-0 in the Coondapur Taluk. The Village Officers, however, disbursed in 1935 the full amount of Rs.166-6-9 and the Tahsildar directed the recovery of the difference of Rs.22-4-0 which he considered was paid in excess. Hence the recovery complained of. As there was nothing wrong in my order, which was based on B. P. No (5133) 3133 Mis dated 2.9.04 and Mr. Couchman's Circular Dis. No 476 R. Rev. 13 dated 1st October 1913 (file enclosed); I am directing the Tahsildar to refund the amount irregularly recovered from the notice-giver.

4. As regards his claim for the other arrears, the notice-giver was, in my order R. Dis. No. 6738-33 dated 18th June 1934, informed that there was no provision to allow him to recoup the deficit amount. His subsequent petition to the Board was in B. P. Rout. No. 6755 dated 19th December 1934, dismissed as out of time. I submit that my order just quoted above was based on the belief that the entries in the Settlement A. Register were correct and that the lands appertaining to muli warg No. 7 of Achladi transferred to Belur had a settlement assessment of only Rs.4-12-0 as against the Revenue assessment of Rs.54/-. But on a verification of the Settlement Classification register, I have now found that S. Nos. 3/7,4/3,5/8, 12.13.17.18.19.22 and 23.7/11.8/5 & 10, 9/7,16/2 and 18/8 all belong to Warg No. 7 of Achladi village; which fact was omitted to be shown in the printed copy of the Settlement A register, except as regards S. Nos. 4/3 and 5/8.

To

The Collector of South Kanara. Mangalore,

representing the Secretary of State for India-in-Council.

Notice of demand sent by Sri Vidyamanya Thirtha Swamiar, of Bhandarkere Mutt, Hosala Village, Acting by and though his Power of Attorney holder and manager of Mutt Y. Shrinivasa Tantri, son of Kuppanna Tantri, residing in the said Mutt in Hosala Village, Udipi Taluk.

P.O. Barkur.

Sir, I, under title deed No.841 dated 8-9-1898, the title of the Bhadrakere Mutt to a J.B. religion Inam consisting of the right to the Government Revenue amounting to Rs.166-6-9 (Rupees one hundred and sixty-six annas six and pies nine) was recognised and acknowledged on behalf of the Secretary of State for India in Council, and the said amount of revenue is stated therein to be from out of warg No.21 of Mudahadu, Nos.6, 10 and 19 of Kachur and No.7 of Achladi Villages as mentioned on the reverse of the said title-deed. The said amount was being paid to the Mutt by adjustment out of the revenues upon the said wargs till recent years.

2. The Swamiar of the Mutt having given his consent that henceforth the amount of Rs.166-6-9 covered by the title deed may be paid to him directly in cash, the Collector of South Kanara in his proceedings R.Dis. 6738-33 dated 18th June 1934 ordered that the same shall be so paid to the Swamiar from the Land Revenue collections of Hosala Village, Udipi taluk.

3. Out of the said amount of Rs.166-6-9, payment of a sum of Rs.22-4-0 has not been made by the Government

from prior to the last twelve years as was theretofore done by adjustment and set off out of the revenues due by the Mutt in respect of its properties. The Swamiar applied to the Collector by a petition dated 10-12-1933 for payment of the said arrears of Brahmadaya but he was informed by the Tahsildar of Udipi Taluk that the Collector in his order aforementioned R.Dis.6738-33 had held that the deficient amount could not be refunded as there was no provision in the Rules or orders enabling him to do so.

4. In pursuance of the 1st part of the order R.Dis. 6738-33 the Potail of Hosala village paid Rs.166-6-9 covered by the title deed to the Swamiar's Power of Attorney holder aforementioned. But subsequently, for some inexplicable reason, a notice was served on the Power of Attorney holder on 21-9-1935 that out of the said amount a sum of Rs.22-4-0, interest thereon Rs.0-3-8, making in all Rs.22-7-8 was paid to the Mutt in excess of what was due and that the same must be repaid within two hours of the service of the notice on pain of further steps being taken for its recovery; so the power of attorney holder had to pay the said amount of Rs.22-7-8 to the Potail on 22-9-35 and take a receipt for the same in view of the above drastic circumstances.

5. It must be said with respect that the title deed having declared the title of the Mutt to the full amount of Rs.166-6-9 the Mutt was entitled in law to receive the same fully from the Government and there is and can be no legal impediment in the way of the payment and receipt of the same by one party to the other. There was no warrant either in law or equity for not making the payment of the Rs.22-4-0 for the years during which the same was not paid.

6. I therefore request you to be so good as to see that the arrears of the said amount of Rs.22-4-0 per

737

It is requested that the following papers may be sent as they are required for the disposal of Appl. 359/35 (Ld) 3133

(1) Proc no. 5733 dt 2.9.1904

(2) Proc no 2 dt 9.1.1893

(3) Proc no 74 dt 25.2.1896

(4) Other papers if any

MADRAS RECORD OFFICE 24 JAN 1936

BOARD OF REVENUE 1-FEB 1936

Asst Retd
Madras
20.1.36

Asst.
20.1.36

Subject

Allowances - Tasdik. (Amrik Kanara)

Refer to Proceedings Sir Vidya
Manja Dasika Swamier 737

To

The Madras Record Office
Egmore

Madras Record office
-2-1936

Endt T3T-D IV 1/36

Furnished. Please acknowledge

Receipt

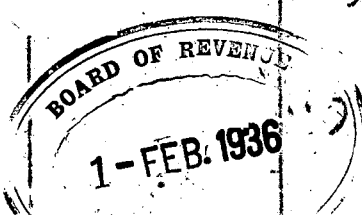
Asst. Curator

To The Supdt. A. Section Bd. of Rev Apls.

1.2.36

Recvd 1.2.36

Number of the list	Date of issue of the record	No. and date or description of the record.	No. and date of the current or the purpose for which required.	To whom sent.
33 / 137	1-2-31	R.P. 2428 9-1-1933 (C) 3133 A.2-9. 1904 (M) 4825 2-	Gen A. 3591/41	Aug. 4.



Allowances for Boarding
(South Kanara) Standing
Rule not applicable

A359/36.

Ab(dR)

ETT

p 108.

UNCLASSIFIED
11 FEB 1936
WA

Refer A359-36 of 1962/36

The Collector is requested
to report whether the percentage
deductions specified in the
note (3) to B.S.O. 67 (2)
should not be made in the
case of the payment in
question ~~if not to refer~~
~~the Board to the orders on the~~
~~subject~~

p 444 of B.S.O
Vol II

dg
4/2/36
52.36

52.36

To the Collector of South
Kanara

Note

Please see para 5 of the
Collr's letter at top 2-3 pp.
The Collector has not proposed
the usual percentage deduction
specified in the note (3) at p.
444-445 of B.S.O. Vol II
It is not clear whether the
Gan Boarding allowance
which is peculiar to South
Kanara Dt is exempt from

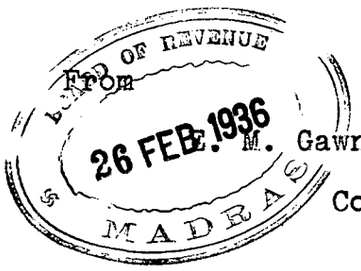
Issue
for
8.2.36

Such declaration serves the
purpose to the Court

5/2/88

Ref. A3 No. 5005-35.

South Kanara Collector's Office,
Mangalore, dated 22nd February 1936.



From

E. M. Gawne, Esq, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Madras.

S i r,

Allowances--Jari Brahmadayam--(South Kanara)--Bhandarkeri Mutt-payment of arrears.

Ref:- Board's Ref. No. A. 359/36--1 dated 6th February 1936.

According to Mr. Couchman's Circular Dis. No. 476 R/Rev. 13 dated 1st October 1913, the deductions referred to by the Board are not to be made. The circumstances under which the Circular was issued have been explained in the Note contained in the Disposal file, which has already been submitted to the Board.

Your obedient servant,

Collector.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied		
When examined		
When signed		
When despatched		

SUBJECT :— Allowances to Jail Boards and Landcess Staff (South Kanara) & Landcess Rules

DESP. 4 MAR 1936

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO* :—

Rs 15 Cs No. _____ From the A 993/36-2, No. _____, dated _____ 19____.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution | Ms. / Rout No. _____, dated _____ 19____.

Refce A 359-36-2 Dy 292/36.

Mr Comptroller's circular D dis 10th 476 R/Rev D 1-10-1913 referred to in his letter read above is herewith returned for refce and resubmission as percentage reduction contemplated in the circular appears to refer to 10% reduction allowed for the trouble in collecting the assessment made over to Estates in amounts whereas the reduction referred to in the note (3) to R.S.O no 67(2) refers to net due to Ryots

payment claims having been preferred long after the due date. The Collector is requested to report whether the usual percentage deduction - due to belated payment - should be made in the case of the fair board workday arm allowance

dg
282/36
hm.36

h 282/36

Ref.A3.No. 5005-35. South Kanara Collector's office.

Mangalore, dated 11th March 1936.

BOARD
14 MAR 1936

From

E. M. Gawne, Esquire, I.C.S.,

Collector of South Kanara.

To

The Secretary,

Board of Revenue,

M a d r a s.

Sir, Docket

Allowances - Jari Brahmadayam - (South Kanara).

Bhandarkeri Mutt - Payment of arrears.

Refce: Board's Reference A. No. 359-36-2 dated 29-2-36.

In so far as the amount sought to be repaid is only a part of the annual allowance and there has been an error in the Government accounts it would seem that the claim is not belated since each year the institution drew as much of the allowance as it was able to get by assignment of land revenue. I do not, therefore, think that the percentage deductions referred to in the note (3) to B.S.O. No. 67 (2) should be made in this case.

Your obedient servant,

RECEIVED
23 MAR 1936

For Collector.

Docket as above

A1236/36

Refce A 359-36-3 dt 17/3/36

The Collector is requested to resubmit his Report file Dis no 476/R. Rev dt 1.10.1913 and to state with the Board's refce no A 359-36-2 dt 29.2.36 as the same has not been received along with his letter read above

17/3/36

The Collector South Kanara 16/3/36

Ref. A3-5005-35.

South Kanara Collector's Office,
Mangalore, 26th March 1936.

Rp 97 A359/36
A 1439

From

S. Venkateswaran, Esquire, I.C.S.,
Collector of South Kanara.

To

The Secretary,
Board of Revenue,
M a d r a s.

Sir,

Allowances - Jari Brahmadaya - (South Kanara) - Bhandarkeri Mutt - Payment of arrears.

Rp 19a2

Reference:- Board's Ref. A-359-36-3, dated 17.3.1936.

******

(M)

I enclose herewith this office file Dis No.476 R/Rev.13, dated 1.10.1913 called for by the Board in its reference quoted above.

Your obedient servant,

Bmadhavarao
For Collector. 26/3.

ALLOWANCES - Jari Brahmanayam - (South Kanara) - Bhanderkeri Mutt - Payment of arrears - Collector's proposal sanctioned.

p. 1 c.f. A. 359/36
13 p. 3 c.f. Refce. d/ 6-2-36
p. 19 c.f. A. 1236/36

Res. (Mis.) 1286 d/ 17.4.36

In the circumstances reported, the Board approves the Collector's proposal to pay the Bhandarkeri Mutt the arrears of allowance in cash from the treasury for twelve years at the rate of Rs.22-4-0 per annum.

The Board observes that the failure to pay the amount in question to the Mutt in time is due to an error in accounts. The Collr. is requested to see that such omissions do not recur.

2. With refce. to paragraph 4 of his letter first read above, the Collr. is requested to issue the necessary printed errata slips to the sett. register and to submit a copy of them to the Board at an early date.